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BEFORE THE

# Federal Communications Commission

WASHINGTON, D.C. 20554

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| **In the Matter of** | ) | DOCKET FILE COPY ORIGINAL |
| | ) | |
| **Section 73.202(b)** | ) | **MM Docket No. ____** |
| **Table of Allotments** | ) | |
| **FM Broadcast Stations** | ) | |
| | ) | |
| **(Superior, Montana; Great Falls, Montana)** | ) | |

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

**To: Chief, Allocations Branch**

## PETITION FOR RULE MAKING

Michael Radio Group ("MRG"), the permittee of KREO(FM), Superior, Montana seeks to upgrade its allotment at Superior, Wyoming from Channel 298A[1] to 298C, and requests that Channel 296C be substituted for 297C in Great Falls, Montana. The channel change in Great Falls is necessary to accommodate the upgrade of KREO(FM) in Superior, Montana.

Much of the land around Superior, Montana is national forest, unavailable for tower development. MRG's currently authorized Class A transmitter site is negative 440 meters below average terrain. As such, it is physically impossible to construct a tower to achieve minimal Class C facilities. Even from MRG's currently proposed site for Channel 298C1, MRG would be unable to construct minimum facilities for a Class C allotment. It would be necessary to construct a tower in excess of 700 feet, which would not be permitted at the Lolo National Forest site which is only

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[1] MRG has filed an amendment to its pending one step upgrade application proposing the substitution of Channel 298C for 298A (File No. BMPH-981210JD). The upgrade application had originally proposed substitution of channel 298C1 for 298A. MRG requests that its earlier filed Petition for Rulemaking, filed on March 24, 1999 while its request to upgrade to 298C1 was pending, be dismissed.

3.94 miles from an airport. The FAA had objected even to the C1 proposal claiming that the C1 facility would cause interference to aircraft navigation and communication receivers.

MRG has located an existing antenna farm known as "TV Mountain" at the Montana Snow Bowl Ski Area near Missoula, Montana. This site would permit operation of KREO(FM) as a full Class C facility on Channel 298C. This site would dramatically increase coverage from 8164.7 square kilometers to 25,572.6 square kilometers. It would also increase the population within the C1, 1 mV predicted contour from 72,419 to 128,515 people.

In order to accommodate the upgrade allotment of 298C to Superior, Montana, the allotment at Great Falls, Montana must be changed from 297C to 296C. There are currently four pending mutually exclusive applications for Channel 297C at Great Falls, Montana. The substitution of Channel 296C will accommodate each of the four proposed transmitter sites. The attached engineering study shows that STARadio Corporation (BPH-960827MC); Carl Como Tutera (BPH-980826MX); Sunbrook Communications, Inc. (BPH-960826MI); and EB Needles, LLC (BPH-960826MG) can all be accommodated without requiring a site change.

The public interest is served by the proposed channel substitutions since it will allow KREO to greatly expand its coverage. In addition, there will be no prejudice to the pending applicants for Channel 297C of Great Falls, Montana, since Channel 296C can be substituted without requiring a site change for any of the pending applications. The Commission has routinely granted channel substitutions in similar circumstances. In *Report and Order, (Sheridan, Wyoming and Colstrip, Montana)*, MM Docket 98-134 (Released February 12, 1999), the Commission determined that the public interest would be served by substituting Channel 229C for Channel 243C in Sheridan, Wyoming, while ordering that Channel 258A be substituted for Channel 229A at Colstrip, Montana

to accommodate the Sheridan upgrade. In that proceeding, the Commission also noted that although permitees ordered to change channels are entitled to reimbursement for reasonable costs associated with a change in frequency, mere applicants are not. *Id* at Paragraph 4.

In sum, MRG requests the following change in the FM Table of Allotments, Section 73.202(b) of the Commission's rules with respect to the following communities:

| | Existing Channels | Proposed Channels |
|---|---|---|
| Superior, Montana | 298A | 298C |
| Great Falls, Montana | 297C, 225C1, 233C1, 255C1, 262C, 291C1 | 296C, 225C, 233C1, 255C1, 262C, 291C1 |

Respectfully submitted,

**MICHAEL RADIO GROUP**

By _____
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Its Counsel

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April 30, 1999

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# TECHNICAL STATEMENT
# SUPPORTING CLASS UPGRADE
# FOR
# KREO(FM) SUPERIOR, MONTANA

## INTRODUCTION

The following is a technical study supporting the class upgrade for the allotment at Superior, Montana from 298A to 298C. The Permittee, Michael Radio Group ("MRG") has a Construction Permit (BPH-970911ND) for class A facilities located near Superior, Montana. It also is simultaneously filing an amendment to its pending application for Modification of Construction Permit. MRG now seeks to upgrade its proposed facilities by requesting that the Commission institute a Rule Making Proceeding to change the allotment at Superior, Montana from 298A to 298C. A Rule Making will be necessary as MRG is requesting the Commission change an allotment at Great Falls, Montana from 297C to 296C to accommodate the MRG proposal for the allotment of 298C at Superior, Montana. The allotment at Great Falls, Montana currently has four pending mutually exclusive applications for the new channel 297C at Great Falls. This Technical Statement will show that channel 296C can be substituted for channel 297C at Great Falls and still be in full compliance with the spacing requirements of section 73.207 of the Commission's rules from all four of the pending applications for the new allotment at Great Falls, Montana.

## DISCUSSION

MRG is seeking to upgrade the allotment at Superior, Montana from channel 298A to channel 298C. To accommodate this request, it is requesting that the Commission change the allotment at Great Falls, Montana from 297C to 296C. A channel search from each of the four pending mutually exclusive applications for the new channel at Great Falls was conducted. It shows that channel 296C can be utilized at all four proposed transmitter sites by the applicants and be in full compliance with spacing requirement under 73.207. Figure E-2 shows a spacing study conducted at the site proposed by STARadio Corporation (BPH-960827MC). Figure E-3 shows a spacing study conducted at the site proposed by Carl Como Tutera (BPH-960826MX). Figure E-4 shows a spacing study conducted at the site proposed by Sunbrook Communications, Inc. (BPH-960826MI). Finally, Figure E-5 shows a spacing study conducted at the site proposed by EB Needles, LLC. (BPH-960826MG).

Transmitting sites to operate a new FM station for Superior, Montana are limited, especially when sites requiring relatively high elevations to achieve high Height Above Average Terrain ("HAAT") requirements of class C FM facilities. Much of the area around Superior, Montana is National Forest Land, which is largely un-available for tower development.

MRG's currently authorized Class A transmitter site is severely below average terrain (-440 Meters). It would be physically impossible to construct a tower tall enough to achieve minimum required Class C facilities from this site. MRG has a pending application for a site which would raise its HAAT

to 91 Meters. However this still is 210 Meters (689 feet) lower then would be required by the minimum facilities of a class C allotment. This site is located in the Lolo National Forest at a developed antenna site location, however construction at this site has recently been rejected by the FAA because of possible RF interference to navigational aids used by aircraft at the Superior/Mineral County airport which is located 3.94 kilometers from the proposed site.

In order to eliminate this problem with the FAA, MRG has identified an existing antenna farm utilized by several Television, Radio and commercial radio services. This site known as "TV Mountain" is located at the Montana Snow Bowl Ski Area near Missoula, Montana. It is also located in the Lolo National Forest. MRG is simultaneously filing an amendment of its pending application for Modification of Construction Permit specifying this TV Mountain location with the Commission. A maximum facility class C station from the TV mountain site, can provide the necessary city grade coverage to Superior. MRG would like to propose the use of the TV mountain site to upgrade its class of facilities from channel 298A to channel 298C. This would dramatically increase its coverage area for the proposed operation of KREO(FM) Superior, Montana from 508.2 sq. kilometers to 24,516.1 sq. kilometers. It would also increase the population covered by the 60 dbu (1.0 mv/m) predicted contour from the proposed A operation from 990 to 128,090 persons.

Figure E-1 shows a spacing study for channel 298C at the proposed transmitter site for KREO(FM) at TV mountain. It shows full spacing compliance with other stations with the exception of the four applicants and allotment point at Great Falls, Montana. However, a change in channel from 297C to 296C at Great Falls would eliminate this spacing conflict as it would reduce the spacing requirements for a class C to class C from 241 kilometers to 105 kilometers to the new Greats Falls applications. This is a reduction of 136 kilometers. The worst case spacing under the present allotment of 297C is minus 47.9 kilometers. Thus, it can be concluded that all four applications will comply with the spacing requirement if channel 296C is substituted for 297C at Great Falls.

As all four of the applications for construction permit were filed during a window filing period which has long since been closed, they are mutually exclusive with each other and are now awaiting further action by the Commission. A change of the allotment at Great Falls from 297C to 296C would not have any effect on the pending applications except for a change in channel specified in their applications.

MRG is hereby requesting the Federal Communication Commission institute a rulemaking proceeding to change the allotment at Great Falls, Montana from 297C to 296C. This change is requested to accommodate the change in allotment at Superior, Montana from 298A to 298C and operation from the existing antenna farm located at TV mountain.

## CONCLUSION

MRG permittee of KREO(FM) Superior, Montana is seeking an upgrade of its current allotment of 298A to 298C. It seeks to specify operation from the antenna farm location at TV mountain. It seeks to change the allotment at Great Falls, Montana from 297C to 296C to accommodate this proposed operation of KREO. It has been shown that channel 296C can be substituted at Great Falls and have no effect on the pending applications at Great Falls. It has also been shown in its pending form 301 application that the necessary 70 dbu city grade coverage can be provided to Superior from the desired TV mountain location. Because of these facts, MRG requests that the Federal Communications Commission institute a Rule Making Proceeding to change the allotment at Great Falls, Montana from channel 297C to channel 296C as well as change the allotment at Superior, Montana from channel 298A to channel 298C. MRG certifies that it has filed an amendment to its application to modify its Construction Permit to specify full class C operation from the antenna farm at TV mountain.

## CERTIFICATION

I certify that I have prepared or directly supervised the preparation of this entire Technical Statement prepared on behalf of Michael Radio Group in support of the class upgrade for KREO(FM) Superior, Montana. The facts contained within are true to the best of my knowledge, information and belief, accurate and true.

Dated: April 26, 1999

Respectfully submitted,

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MAPFM search of channel 298C (107.5 MHz), at N. 47 1 12, W. 114 0 47.

Searching Channel 298C (107.5 MHz):

| CALL | CITY | ST | CHN | CL | S | DIST | SEPN | BRNG | CLEARANCE |
|---|---|---|---|---|---|---|---|---|---|
| ALC | Butte | MT | 295 | A | U | 158.3 | 94.0 | 135.1° | 64.3 |
| KMSMFM | Butte | MT | 295 | A | L | 158.2 | 94.0 | 135.1° | 64.2 |
| ALC | Great Falls | MT | 297 | C | V | 213.3 | 241.0 | 75.5° | -27.7 |
| NEW | Great Falls | MT | 297 | C | A | 193.1 | 241.0 | 73.2° | -47.9 |
| NEW | Great Falls | MT | 297 | C | A | 216.1 | 241.0 | 74.5° | -24.9 |
| NEW | Great Falls | MT | 297 | C | A | 228.5 | 241.0 | 86.1° | -12.5 |
| NEW | Great Falls | MT | 297 | C | A | 228.5 | 241.0 | 86.1° | -12.5 |
| ALC | Cranbrook | BC | 298 | A | | 296.5 | 242.0 | 336.1° | 54.5 |
| ALC | Superior | MT | 298 | C1 | V | 70.0 | 270.0 | 284.6° | -200.0 |
| ALC | Superior | MT | 298 | A | U | 69.1 | 222.0 | 286.0° | -152.9 |
| KREO | Superior | MT | 298 | C1 | A | 70.0 | 270.0 | 284.6° | -200.0 |
| KREO | Superior | MT | 298 | A | C | 72.8 | 222.0 | 286.5° | -149.2 |
| CILAFM | Lethbridge | AB | 299 | C | | 311.6 | 241.0 | 14.5° | 70.6 |
| ALC | Boulder | MT | 299 | A | V | 169.1 | 161.0 | 120.9° | 8.1 |
| FR ADD | Darby | MT | 300 | A | A | 111.7 | 94.0 | 186.5° | 17.7 |

FIGURE E-1
CHANNEL SPACING STUDY
TV MOUNTAIN SITE
KREO(FM) SUPERIOR, MONTANA

MAPFM search of channel 296C (107.1 MHz), at N. 47 32 19, W. 111 15 40.

Searching Channel 296C (107.1 MHz):

| CALL | CITY | ST | CHN | CL | S | DIST | SEPN | BRNG | CLEARANCE |
|---|---|---|---|---|---|---|---|---|---|
| ALC | Shelby | MT | 242 | C1 | U | 105.1 | 41.0 | 326.7° | 64.1 |
| KZIN | Shelby | MT | 242 | C1 | D | 105.1 | 41.0 | 326.7° | 64.1 |
| KZINFM | Shelby | MT | 242 | C1 | L | 105.1 | 41.0 | 326.7° | 64.1 |
| ALC | Butte | MT | 295 | A | U | 196.4 | 161.0 | 210.2° | 35.4 |
| KMSMFM | Butte | MT | 295 | A | L | 196.4 | 161.0 | 210.3° | 35.4 |
| ALC | Great Falls | MT | 297 | C | V | 4.5 | 241.0 | 203.7° | -236.5 |
| NEW | Great Falls | MT | 297 | C | A | 23.4 | 241.0 | 265.8° | -217.6 |
| NEW | Great Falls | MT | 297 | C | A | 0.0 | 241.0 | 0.0° | -241.0 |
| NEW | Great Falls | MT | 297 | C | A | 46.2 | 241.0 | 155.8° | -194.8 |
| NEW | Great Falls | MT | 297 | C | A | 46.2 | 241.0 | 155.8° | -194.8 |
| ALC | Boulder | MT | 299 | A | V | 158.6 | 94.0 | 204.3° | 64.6 |

FIGURE E-2
CHANNEL SPACING STUDY
STARADIO CORPORATION
GREAT FALLS, MONTANA

MAPFM search of channel 296C (107.1 MHz), at N. 47 31 24, W. 111 34 16.

Searching Channel 296C (107.1 MHz):

| CALL | CITY | ST | CHN | CL | S | DIST | SEPN | BRNG | CLEARANCE |
|---|---|---|---|---|---|---|---|---|---|
| ALC | Shelby | MT | 242 | C1 | U | 96.0 | 41.0 | 338.9° | 55.0 |
| KZIN | Shelby | MT | 242 | C1 | D | 96.0 | 41.0 | 338.9° | 55.0 |
| KZINFM | Shelby | MT | 242 | C1 | L | 96.0 | 41.0 | 338.9° | 55.0 |
| ALC | Fort Macleod | AB | 295 | B | | 279.3 | 209.0 | 330.8° | 70.3 |
| ALC | Butte | MT | 295 | A | U | 184.1 | 161.0 | 204.1° | 23.1 |
| KMSMFM | Butte | MT | 295 | A | L | 184.1 | 161.0 | 204.2° | 23.1 |
| ALC | Great Falls | MT | 297 | C | V | 21.7 | 241.0 | 96.4° | -219.3 |
| NEW | Great Falls | MT | 297 | C | A | 0.0 | 241.0 | 0.0° | -241.0 |
| NEW | Great Falls | MT | 297 | C | A | 23.4 | 241.0 | 85.8° | -217.6 |
| NEW | Great Falls | MT | 297 | C | A | 58.6 | 241.0 | 133.7° | -182.4 |
| NEW | Great Falls | MT | 297 | C | A | 58.6 | 241.0 | 133.7° | -182.4 |
| ALC | Boulder | MT | 299 | A | V | 148.8 | 94.0 | 196.3° | 54.8 |

FIGURE E-3
CHANNEL SPACING STUDY
CARL COMO TUTERA
GREAT FALLS, MONTANA

MAPFM search of channel 296C (107.1 MHz), at N. 47 9 34, W. 111 0 39.

Searching Channel 296C (107.1 MHz):

| CALL | CITY | ST | CHN | CL | S | DIST | SEPN | BRNG | CLEARANCE |
|---|---|---|---|---|---|---|---|---|---|
| ALC | Butte | MT | 295 | A | U | 174.1 | 161.0 | 222.9° | 13.1 |
| KMSMFM | Butte | MT | 295 | A | L | 174.1 | 161.0 | 222.9° | 13.1 |
| ALC | Lovell | WY | 296 | C | A | 349.1 | 290.0 | 144.4° | 59.1 |
| ALC | Great Falls | MT | 297 | C | V | 43.3 | 241.0 | 331.4° | -197.7 |
| NEW | Great Falls | MT | 297 | C | A | 58.6 | 241.0 | 313.7° | -182.4 |
| NEW | Great Falls | MT | 297 | C | A | 46.2 | 241.0 | 335.8° | -194.8 |
| NEW | Great Falls | MT | 297 | C | A | 0.0 | 241.0 | 0.0° | -241.0 |
| NEW | Great Falls | MT | 297 | C | A | 0.0 | 241.0 | 0.0° | -241.0 |
| ALC | Boulder | MT | 299 | A | V | 132.9 | 94.0 | 219.6° | 38.9 |

FIGURE E-4
CHANNEL SPACING STUDY
SUNBROOK COMMUNICATIONS
GREAT FALLS, MONTANA

MAPFM search of channel 296C (107.1 MHz), at N. 47 9 34, W. 111 0 39.

Searching Channel 296C (107.1 MHz):

| CALL | CITY | ST | CHN | CL | S | DIST | SEPN | BRNG | CLEARANCE |
|---|---|---|---|---|---|---|---|---|---|
| ALC | Butte | MT | 295 | A | U | 174.1 | 161.0 | 222.9° | 13.1 |
| KMSMFM | Butte | MT | 295 | A | L | 174.1 | 161.0 | 222.9° | 13.1 |
| ALC | Lovell | WY | 296 | C | A | 349.1 | 290.0 | 144.4° | 59.1 |
| ALC | Great Falls | MT | 297 | C | V | 43.3 | 241.0 | 331.4° | -197.7 |
| NEW | Great Falls | MT | 297 | C | A | 58.6 | 241.0 | 313.7° | -182.4 |
| NEW | Great Falls | MT | 297 | C | A | 46.2 | 241.0 | 335.8° | -194.8 |
| NEW | Great Falls | MT | 297 | C | A | 0.0 | 241.0 | 0.0° | -241.0 |
| NEW | Great Falls | MT | 297 | C | A | 0.0 | 241.0 | 0.0° | -241.0 |
| ALC | Boulder | MT | 299 | A | V | 132.9 | 94.0 | 219.6° | 38.9 |

FIGURE E-5
CHANNEL SPACING STUDY
EB NEEDLES, LLC
GREAT FALLS, MONTANA